

COMMISSIONERS APPROVAL

ROKOSCH 

GRANDSTAFF 

THOMPSON 

CHILCOTT 

DRISCOLL 

Date.....August 1, 2007

Members Present.....Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Beth Farwell

The Board met for a public hearing in regard to the request by Don Chapman for an appeal of his subdivision exemption denial. Civil Counsel Alex Beal, Planning Director Karen Hughes, Planner Tristan Riddell, Clerk & Recorder Deputy Tena Miller, Don Chapman and Joseph Agatstein were present.

Commissioner Rokosch opened the public hearing and read the legal publication notice. He also read the letter of denial dated June 11, 2007 from Ravalli County Clerk & Recorder/Planning.

Don Chapman stated he lives on Bear Creek Trail. About four years ago, he decided to split his 20 acres to provide a place for his mother because she was not in good health. He admitted making some mistakes due to not knowing the process. He presented maps from the surveyor (Applebury) whom also made a mistake. The surveyor listed his home as his mother's proposed house. He was then told he would have to get a "quit claim deed" to rectify the situation. He also wanted to give his eldest daughter property for her home.

Commissioner Grandstaff asked when Don bought the property. Don replied in 2000. He stated he began the process of splitting the parcel into two 10-acre pieces in 2004. He started to build the house for his mother, which was his mistake. He then had to go to Missoula for the Environmental review. Karen concurred with Don and stated there was a period when Sanitation was not doing local reviews.

Commissioner Grandstaff requested clarification on the steps Don followed. Don explained originally he applied for a family transfer of 10 acres; the surveyor made a mistake and noted his own home as his mother's home. That incident started the problem.

He was under the impression when his mother's home in California sold, he would have the money to build her home on the 10 acres. That did not happen, and he was forced to sell his home to cover the costs since he already started building.

Commissioner Grandstaff questioned where his daughter came in the picture. Don replied his plan was to have his daughter take over his mother's home, however, by selling his own home, he was told he had to do a family transfer at that point.

Linda Biesel from the Clerk & Recorder's Office stated the history on the property was as Don presented. There had been two parcels, two family transfers and the remainder undergoing a third family transfer. Don then did a quit claim deed from his mother to him and then sold it. He also applied for another family transfer which was approved for one daughter. He would now like to apply for his other two children. Commissioner Chilcott stated his concern about the evasion intent, particularly based on this history as both Don and Linda agree to.

Commissioner Driscoll asked what Don's priorities were. Don replied he would like to split the remainder of the property between his three children.

Karen stated at the time they did not have enough information to approve the request. Then some red flags were raised. She stated they should stay focused on the property being parceled. Discussion followed regarding the history on the property.

Commissioner Rokosch called for any other public comment, hearing none, he closed public comment.

Commissioner Chilcott asked Karen if the information presented here today would change the original denial. Karen replied it gave clarification to the intent of the family transfer. Don agreed to withdraw his application for his third family transfer.

Commissioner Driscoll made a motion to grant the appeal for the subdivision exemption by Don Chapman. Commissioner Grandstaff seconded the motion, all voted 'aye'.

Commissioner Driscoll made a motion to amend the previous motion, to grant the appeal for the subdivision exemption by Don Chapman with the understanding of withdrawal of the third family transfer. Commissioner Grandstaff seconded the motion, all voted 'aye'.

Karen stated she will have a letter drafted for the Board to sign in regard to this decision for Don Chapman.

The hearing was closed.

The balance of the day was spent in office management.